

### **REMARKS**

This paper responds to the Office Action dated on January 24, 2005.

Claims 1-4, 6-8, 10-23, 25-30, and 32-34 are amended. Claims 35-38 are added. As a result, claims 1-38 are pending in this application.

#### **Information Disclosure Statement**

Applicant submits a Supplemental Information Disclosure Statement and 1449 Form herewith. Applicant respectfully requests that an initialed copy of the 1449 Form, with the cited references marked as having been considered by the Examiner, be returned to Applicant's representatives with the next official communication.

#### **Reservation of the Right to Swear Behind References**

Applicant maintains the right to swear behind any references which are cited in a rejection under 35 U.S.C. §§102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

#### **Objection to the Official Notice**

The Office Action cites a single document to reject claims 14-16, 19-21, 23-25 and 27-30 of the present application under 35 USC § 103(a) based on reasons that some of the specific features in these claims, although not specified in the single document, are obvious matter of design choice. Applicant assumes that the Examiner is taking Official Notice in rejecting these claims because the Office Action offers no documents to support the rejection of the specific features in these claims. Applicant respectfully traverses the taking of Official Notice and, pursuant to M.P.E.P. § 2144.03, Applicant requests documents or an affidavit to support the rejection. Moreover, Applicant cannot find in Kitamura a motivation to modify the structure of the component of Kitamura as proposed in the Office Action. In the absence of documents or an affidavit to support the rejection of claims 14-16, 19-21, 23-25 and 27-30, Applicant requests that the rejection be reconsidered and withdrawn, and that claims 14-16, 19-21, 23-25 and 27-30 be allowed.

Claim Objections

Claims 14-17 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 14-17 are amended for clarity. Applicant requests that the objection be reconsidered and withdrawn.

§102 Rejection of the Claims

Claims 13, 17, 18, and 34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kitamura (U.S. Patent No. 6,448,879).

Independent claim 13 is amended and recites, among other things, "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, the open inductor pattern having an outer edge, wherein the open inductor pattern is unconnected to the layer of magnetic material". Applicant is unable to find in Kitamura "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, the open inductor pattern having an outer edge, wherein the open inductor pattern is unconnected to the layer of magnetic material".

Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claim 13 and dependent claim 17 be allowed.

Independent claim 18 is amended and recites, among other things, "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, the open inductor pattern having an outer edge, wherein the open inductor pattern is unconnected to the layer of magnetic material". Applicant is unable to find in Kitamura "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, the open inductor pattern having an outer edge, wherein the open inductor pattern is unconnected to the layer of magnetic material".

Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claim 18 be allowed.

Independent claim 34 is amended and recites, among other things, "depositing an open inductor pattern on the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the magnetic material layer". Applicant is

unable to find in Kitamura "depositing an open inductor pattern on the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the magnetic material layer". Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claim 34 be allowed.

§103 Rejection of the Claims

Claims 14-16, 19-21, 23-25 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitamura.

Dependent claims 14-16 depend from claim 13. In view of the amendment to claim 13, Applicant believes that claims 14-16 are patentable over Kitamura for reasons at least similar to the reasons presented above regarding claim 13, plus the things recited in claims 14-16. Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claims 14-16 be allowed.

Dependent claims 19-21 depend from claim 18. In view of the amendment to claim 18, Applicant believes that claims 19-21 are patentable over Kitamura for reasons at least similar to the reasons presented above regarding claim 18, plus the things recited in claims 19-21. Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claims 19-21 be allowed.

Independent claim 23 is amended and recites, among other things, "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the layer of magnetic material". Applicant is unable to find in Kitamura "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the layer of magnetic material". Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claim 23 and dependent claims 24 and 25 be allowed.

Independent claim 27 is amended and recites, among other things, "forming a substantially circular open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the layer of magnetic material". Applicant is unable to find in Kitamura "forming a substantially circular

open inductor pattern in the non-magnetic insulating layer and above the magnetic material layer, wherein the open inductor pattern is unconnected to the layer of magnetic material".

Accordingly, Applicant requests that the rejection be reconsidered and withdrawn, and that claim 27 and dependent claims 28-30 be allowed.

New Claims

Claims 35-38 are added. These claims introduce no new matter. Accordingly, Applicant requests that claims 35-38 be considered and allowed.

Allowable Subject Matter

Claims 22 and 26 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 22 and 26 are rewritten in independent form as suggested by the Office Action. The scope of claims 22 and 26 is not narrowed. Thus, claims 22 and 26 are now in condition for allowance.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

April 25, 2005

By



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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 25 day of April, 2005.

Name

KACIA LEE

Signature

Kacia Lee